REMARKS

Filed concurrently herewith is a Request for a Three-Month Extension of Time which extends the shortened statutory period for response to April 27, 2005. Accordingly, Applicants respect submit that this response is being timely filed.

The Official Action dated October 27, 2004 has been received and its contents carefully noted. In view thereof, claims 9 and 20-29 have been canceled, and claims 1 and 2 have been amended in order to better define that which Applicant regards as the invention. Accordingly, claims 1-6, 8 and 10 are presently pending in the instant application.

Initially, Applicant acknowledges the Examiner's indication that claims 21-29 are directed to an invention that is independent or distinct from the invention originally claimed in that claim 21 requires "a pivoting section positioned on an opposing portion of said upright section." While Applicant respectfully disagrees with the Examiner in this regard, in order to expedite the prosecution of the present application, newly added claims 21-29 have been cancelled. Applicant further reserves the right to pursue such claims along with claims 12-20 by way of a subsequently filed divisional application.

With reference to paragraph 2 of the Official Action, the specification has been objected to as including a minor informality. As can be seen from the foregoing amendments, the specification has been amended to correct the informality noted by the Examiner. Accordingly, it is respectfully submitted that Applicant's specification is now in proper formal condition for allowance.

In paragraph 3 of the Office Action, claims 1 and 9 have been objected to as including informalities. As can be seen from the foregoing amendments, claim 1 has been amended and claim 9 has been canceled in order to overcome the noted informalities. Accordingly, it is

respectfully submitted that Applicant's claimed invention is now in proper formal condition for allowance.

With reference now to paragraph 4 of the Office Action, claims 1-6, 9 and 10 have been rejected under the 35 U.S.C. 102(b) as being anticipated by US. Patent No. 2,774,323 issued to Kirk. This rejection is respectfully traversed in that the patent to Kirk neither discloses nor remotely suggest that is presently set forth by applicants claimed invention.

As the Examiner can readily appreciate, independent claim 1 recites a vehicle barrier comprising a plurality of inverted T-shaped plates having a height, a width and a depth, each of said plurality plates including a top portion and at least two feet. The barrier further includes at least one interconnecting member adapted to interconnect the plurality of inverted T-shaped plates wherein the inverted T-shape plates are configured to engage a ground surface to at least partially immobilizing a vehicle, said interconnecting member having a length greater than the width of the plates such that the spacing between each of the respective plates is greater than the width of each of the plates. Once again, as discussed in detail hereinbelow, the audio road signal of Kirk neither discloses nor suggest such features.

That is, contrary to the Examiners indication that the audio road signal of Kirk includes a plurality of inverted T-shaped plates (22/24), Kirk does not include a plurality of plates as recited in accordance with Applicant's claimed invention. A "plate" as the term is generally used and as set forth in Applicant's several figures and specification is a "A smooth, flat, relatively thin, rigid body of uniform thickness" as set forth in Dictionary.com. That is, the elements of Applicant's claimed invention are T-shaped plates which are relatively thin, rigid and of a substantially uniform thickness. The striker elements 22, 24 of Kirk as illustrated in the several figures are not of a substantially uniform thickness. Moreover, the striker elements 22, 24 of Kirk are constructed in a manner similar to the

carcass of a vehicle tire so as to withstand continuous collisions and have a long life, even on the more busy thoroughfares. The striker elements of Kirk are not of a plate construction and clearly are not configured to engage a ground surface to at least partially immobilizing a vehicle. To the contrary, the striker elements of Kirk intentionally bend to produce an audible signal to the driver that they are not properly positioned on the road. Immobilize the vehicle is neither contemplated nor remotely desired with the configuration of Kirk.

Once again, the structure and elements disclosed by Kirk are directly contrary to that which is presently set forth by Applicants' claimed invention wherein the T-shaped plates are intentionally positioned so as to inhibit and intentionally stop the movement of a vehicle contacting the barrier. Accordingly, it is respectively submitted that Applicants' claimed invention as set forth in independent claim 1 as well as those claims which depend from independent claim 1 clearly distinguish over the teachings of Kirk and are in proper condition for allowance.

With reference now to page 5 of the Office Action, claims 1-6, 9, 10 and 20 have been rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,517,280 issued to Carter. This rejection is likewise respectfully traversed in that the patent to Carter neither discloses nor remotely suggest that is presently set forth by applicants claimed invention.

Initially, it is noted that claim 8 is not referred to in the rejection of the several claims as being anticipated by Carter; however, claim 8 is referred to in the body of the rejection.

As noted hereinabove, independent claim 1 recites a vehicle barrier comprising a plurality of inverted T-shaped plates having a height, a width and a depth, each of said plurality plates including a top portion and at least two feet. The barrier further includes at least one interconnecting member adapted to interconnect the plurality of inverted T-shaped plates wherein the inverted T-shape plates are configured to engage a ground surface to at

least partially immobilizing a vehicle, the interconnecting member having a length greater than the width of the plates such that the spacing between each of the respective plates is greater than the width of each of the plates. As discussed in detail hereinbelow, the security tower of Carter neither discloses nor suggest such features.

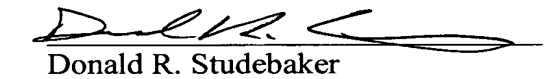
Initially, contrary to the Examiners indication that the security tower of Carter includes a plurality of inverted T-shaped plates (20), it is noted that the security tower of Carter is not in the form of a plate as is recited by Applicant's claimed invention. As noted hereinabove, a plate as the term is generally used and as set forth in Applicant's several figures and specification is a "A smooth, flat, relatively thin, rigid body of uniform thickness" as defined at Dictionary.com. That is, the elements of Applicant's claimed invention are T-shaped plates which are relatively thin, rigid and of a substantially uniform thickness. The security towers of Carter as illustrated in the several figures are not of a substantially uniform thickness and include a base 24 which is several times thicker than the vertical post 22. The security towers of Carter are used to delineate restricted areas or optionally as barricades to prevent personnel from entering a restricted area. The towers are hollow inside and receive a medium such as water or the like to way down the tower with spaced towers being interconnected with flexible elongated barrier materials. Clearly, the tower of Carter is not configured to engage a ground surface to at least partially immobilizing a vehicle. To the contrary, the towers of Carter are formed of a hollow flexible material, and while Carter refers to the structure as being a barrier, the structure can only be a barrier to those who abide by the barrier indications. The tower structure of Carter is not of a plate configuration nor is immobilization of a vehicle contemplated or expected with the configuration of Carter. Should one desire to penetrate the restricted area delineated by the security towers of Carter, such a breach would be readily achieved unlike the structure of Applicant's claimed

invention wherein the plates are configured to at least partially immobilize a vehicle. Accordingly, it is respectively submitted that Applicants' claimed invention as set forth in independent claim 1 as well as those claims which depend from independent claim 1 clearly distinguish over the teachings of Carter and are in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-6, 8 and 10 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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